

AMENDED IN ASSEMBLY JANUARY 5, 2012
AMENDED IN ASSEMBLY SEPTEMBER 7, 2011
AMENDED IN ASSEMBLY APRIL 4, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1160

Introduced by Assembly Member Hill

February 18, 2011

An act to add Article 6 (commencing with Section 8290) to Chapter 7 of Division 4 of the Public Utilities Code, relating to public utility employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1160, as amended, Hill. ~~Public utility employees: whistleblowers.~~
Public utilities: reporting: safety issues.

~~(1) Under~~

Under existing law, the Public Utilities Commission has regulatory authority over public utilities. The California Constitution authorizes the commission to establish rules for all public utilities, subject to control by the Legislature.

~~This bill would require the commission to establish a comprehensive whistleblower protection program to protect public utility employees from management retaliation for bringing information to the commission or other public entities regarding unreported safety issues. The bill would require a public utility to file a completed report with the commission within 30 days as to any final judgment, arbitration award, compromise, or settlement in excess of \$50,000 in any civil action brought by an employee or former employee of the utility against the utility regarding safety issues that could jeopardize the lives or health~~

of Californians. The bill would authorize the commission to limit this reporting requirement to those particular types of claims that the commission determines are likely to involve claims of retaliation, ~~or to exclude from the duty to report particular claims that the commission determines are highly unlikely to involve claims of retaliation or allegations that could jeopardize the lives or health of Californians.~~ The bill would require the commission to develop and adopt ~~a~~ *the* report form to be used by a public utility to comply with ~~the~~ *this* reporting requirements *requirement*. The bill would require *specified* civil penalties to be imposed for *a* violation of ~~the reporting these~~ requirements.

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because ~~the bill would require the commission to adopt rules for the protection of whistleblowers and a violation of these rules~~ *requirements of the commission* would be a crime, the bill would impose a state-mandated local program ~~by creating a new crime.~~

~~(2) The~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 6 (commencing with Section 8290) is
2 added to Chapter 7 of Division 4 of the Public Utilities Code, to
3 read:

4
5 Article 6. ~~Whistleblower Protection Reporting Civil Actions~~

6
7 8290. ~~The commission shall establish a comprehensive~~
8 ~~whistleblower protection program to protect public utility~~
9 ~~employees from management retaliation for bringing information~~
10 ~~to the commission or other public entities regarding unreported~~
11 ~~safety issues. For these purposes, "other public entities" includes~~

1 ~~the whistleblower hotline maintained by the Attorney General~~
2 ~~pursuant to Section 1102.7 of the Labor Code.~~

3 ~~8291.~~

4 8290. (a) (1) Every public utility shall file a completed report
5 with the commission within 30 days as to any final judgment,
6 arbitration award, compromise, or settlement in excess of fifty
7 thousand dollars (\$50,000) in any civil action brought by an
8 employee or former employee of the utility against the ~~utility.~~
9 *utility regarding safety issues that could jeopardize the lives or*
10 *health of Californians.*

11 (2) ~~It is the intent of the Legislature that the commission be~~
12 ~~informed of any significant payment made by a public utility to~~
13 ~~an employee or former employee where there may be any claim~~
14 ~~of management retaliation for bringing information to the~~
15 ~~commission or other public entities regarding unreported safety~~
16 ~~issues, and the~~ The commission may limit the duty to report
17 pursuant to paragraph (1) to those particular types of claims that
18 the commission determines are likely to involve claims ~~of~~
19 ~~retaliation, or to exclude from the duty to report particular claims~~
20 ~~that the commission determines are highly unlikely to involve~~
21 ~~claims of retaliation or allegations that could jeopardize the lives~~
22 ~~or health of Californians.~~

23 (3) The commission shall develop and adopt a report form to
24 be used by a public utility to comply with the requirements of
25 paragraph (1). Until the commission adopts a report form, the
26 report shall include a copy of the complaint or claim made by the
27 employee or former employee and any written judgment, arbitration
28 award, or agreement for the compromise or settlement of an action
29 or claim.

30 (b) (1) The commission shall assess a penalty of not more than
31 one million dollars (\$1,000,000) against a public utility for a willful
32 failure to comply with the requirements of subdivision (a).

33 (2) The commission shall assess a penalty of not more than five
34 hundred thousand dollars (\$500,000) for a negligent failure to
35 comply with the requirements of subdivision (a).

36 (3) The commission may enforce and collect a penalty pursuant
37 to Chapter 11 (commencing with Section 2100) of Part 1 of
38 Division 1.

39 SEC. 2. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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